

UNITED STATES DISTRICT COURT

for the

Eastern District of Pennsylvania

United States of America

v.

Jose Antonio Ortiz

Case No.

17-17-1542

Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of September 9, 2017 in the county of Lehigh in the
Eastern District of Pennsylvania, the defendant(s) violated:

Code Section

Title 21, United States Code
 Section 841(a)(1),(b)(1)(C).

Offense Description

On September 7, 2017, in Lehigh County, in the Eastern District of Pennsylvania, defendant Jose Antonio Ortiz knowingly and intentionally possessed with intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in violation of 21 U.S.C. § 841(a)(1),(b)(1)(C).

This criminal complaint is based on these facts:

SEE ATTACHED AFFIDAVIT.

☒ Continued on the attached sheet.

Complainant's signature

Damian A. Murray, Task Force Officer, DEA

Printed name and title

Sworn to before me and signed in my presence.

Date: 11/15/2017

*Judge's signature*City and state: Allentown, PA

The Hon. Henry S. Perkin, U.S. Magistrate Judge

Printed name and title

AFFIDAVIT

I, Damian A. Murray, having been duly sworn, depose and state the following:

1. I am a Task Force Officer with the Drug Enforcement Administration (DEA) assigned to the DEA Philadelphia Division, Allentown Resident Office, which is composed of Special Agents and local law enforcement officers investigating narcotics trafficking. Prior to that, beginning in February 2007, I was a law enforcement officer specializing in narcotics-trafficking cases, in Allentown, Pennsylvania.

2. As a result of my training and experience, I am familiar with the federal narcotics laws with respect to which I have enforcement authority.

3. The information contained in this affidavit is based on my personal participation as the co-lead investigator in this case, my review of court and law enforcement records and reports related to this investigation and in part, on my interviews with arrestees and law enforcement officers involved in this investigation.

Probable Cause to Arrest

4. On September 7, 2017, your affiant obtained authorization from the Honorable Henry S. Perkin, United States Magistrate Judge, Eastern District of Pennsylvania to execute a federal search warrant at Jose Antonio Ortiz's (hereinafter Ortiz) residence located at 2671 Rolling Green Drive, Macungie, PA 18062.

5. On September 7, 2017, at approximately 4:00 p.m., DEA agents/officers established surveillance at 2671 Rolling Green Drive, Macungie, PA.

6. On the same date, at approximately 4:30 p.m., an agent/officer observed Ortiz exit the residence and enter a white Cadillac station wagon. Agents/officers followed the station

wagon but ultimately lost sight of it during their surveillance.

7. On the same date, agents/officers established surveillance at or near the parking lot of the PA Board of Probation and Parole, located at 2040 South 12th St., Allentown, PA, because they knew he had an appointment with his parole agent. At approximately 5:40 p.m., agents/officers observed a dark colored sedan enter the parking lot of 2040 South 12th St., Allentown, PA. Ortiz exited the passenger side of the sedan and walked over to the driver, later identified as Ortiz's fiancé. Shortly thereafter, agents/officers enforcement detained Ortiz. On the same date, DEA SA Joseph Labenburg read Miranda Warnings to Ortiz. Ortiz acknowledged his rights and agreed to answer questions. SA Labenburg informed Ortiz that agents/officers were obtaining a federal search warrant for his residence located at 2671 Rolling Green Drive, Macungie, PA. Agents/officers asked Ortiz if he had narcotics, firearms, or items that could cause harm stored at 2671 Rolling Green Drive, Macungie, PA. Furthermore, agents/officers informed Ortiz that a narcotics K9 would assist agents/officers during their search of Ortiz's apartment. Ortiz stated he had approximately 25 grams of heroin stored in the living room closet and a small amount of marijuana, ecstasy and approximately \$3,000.00 located in the master bedroom dresser. Ortiz also stated that all of the items belonged to him.

13. At approximately 6:30 p.m., agents/officers secured Ortiz's residence located at 2671 Rolling Green Drive, Macungie, PA, and at approximately 6:50 p.m., agents/officers executed a federal search warrant at this location. The K9 alerted to several areas throughout the apartment including the living room closet, the master bedroom and the kitchen counter. Agents/officers recovered the following items from Ortiz's residence:

- (a) suspected heroin in the living room closet between folded jeans.

- (b) one bar of Mannite cutting agent in the living room closet between folded jeans.
- (c) one R10 1000 Digi Weigh Scale in the kitchen counter drawer.
- (d) two pieces of mail addressed to Jose Ortiz at 2671 Rolling Green Dr., Macungie, PA, in the master bedroom.
- (e) approximately \$3,000.00 in the dresser of the master bedroom.

14. On the same date, agents/officers weighed the suspected heroin and found a weight of approximately 25 gross grams. Additionally, agents/officers field-tested a sample of the suspected heroin, which produced a positive result for the presence of heroin. On September 11, 2017, agents/officers submitted the suspected heroin to the DEA Mid Atlantic Laboratory for processing.

Conclusion

Based on the information above, I have concluded there is probable cause to believe that Ortiz knowingly and intentionally possessed with the intent to distribute a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, in Macungie, Lehigh County, in the Eastern District of Pennsylvania, in violation of 21 U.S.C. § 841(a)(1), (b)(1)(C).



Damian A. Murray
Task Force Officer
Drug Enforcement Administration

Subscribed to and sworn before
me this 11th day of November, 2017



HONORABLE HENRY S. PERKIN
United States Magistrate Judge